

RI Department of Environmental Management

ISDS Designer Licensing Review Panel

Minutes of Open Session of December 8, 2006

This meeting of the ISDS Designer Licensing Review Panel was conducted at 235 Promenade Street, in Conference Room 280C.

Members of the Panel Present:

Scott Moorehead, Chairman

Jim Tavares

Al DiOrio

David Burnham

Dan Cotta

Members Absent: None

Others present:

Russ Chateaufneuf, Chief, DEM Groundwater & Wetlands Protection

Brian Moore, DEM ISDS Program

Brian Sullivan, DEM ISDS Program

Lisa McGreavy, DEM Groundwater and Wetlands Protection

The meeting was called to order at 9:43 A.M.

Minutes of the October 27, 2006 Meeting Open Session

Dave Burnham made a motion to accept the Minutes of the Open Session portion of the October 27, 2006 meeting with the following revisions:

Page 2, 1st paragraph: change “Moorhead” to “Moorehead”;

Page 2, 2nd paragraph: change “unresponsive” to “unresponsiveness”.

Dan Cotta seconded the motion. Dave Burnham, Dan Cotta, Al DiOrio, Jim Tavares, and Scott Moorehead voted in favor of the motion. The motion passes.

At 9:55 A.M., in open call, Al DiOrio announced that the meeting would proceed in Executive Session pursuant to R.I.G.L. 42-46-5 (a) 4 for discussion of conduct of specific designers. Dave Burnham seconded the motion. Al DiOrio, Dave Burnham, Scott Moorehead, and Jim Tavares voted in favor of conducting business in Executive Session. The motion passes.

Continuation of Open Session

The open meeting was reconvened at 11:25 A. M.

Dave Burnham made a motion to reaffirm votes taken in Executive Session and seal the minutes of the Executive Session. Scott Moorehead seconded the motion. Dave Burnham, Scott Moorehead,

Dan Cotta, Jim Tavares, and Al DiOrio voted in favor of the motion. The motion passes.

Votes taken while in Executive Session:

Dave Burnham made a motion to accept the Minutes of the Executive Session portion of the October 27, 2006 meeting with the following revisions: Page 4: in the paragraph “The system was still in operation during this time?” change “system” to “store”. Scott Moorehead seconded the motion. On discussion, Moorehead added that although there were some minor errors in the minutes, the minutes were substantially correct in intent and reported statements. Dave Burnham, Scott Moorehead, Al DiOrio, Jim Tavares, and Dan Cotta voted in favor of the motion. The motion passes.

Dave Burnham made a motion to recommend that the draft warning letter dated December 1, 2006 be issued to Bob Johnston with revisions noted. Violations cited include SD 2.01 (a) and SD 2.08. Al DiOrio seconded the motion. Dave Burnham, Al DiOrio, Scott Moorehead, Jim Tavares, and Dan Cotta voted in favor of the motion. The motion passes.

Dave Burnham made a motion to recommend that the draft warning letter dated December 1, 2006 be issued to John Timpson with revisions noted. Violations cited include SD 2.01 (a) and SD 2.08. Dan Cotta seconded the motion. Dave Burnham, Dan Cotta, Scott

Moorehead, Al DiOrio, and Jim Tavares voted in favor of the motion. The motion passes.

Dave Burnham made a motion to recommend that the draft warning letter dated December 1, 2006 be issued to Nick Piampiano with revisions noted. Violations cited include SD 2.01 (a) and SD 2.01 (c). Al DiOrio seconded the motion. Dave Burnham, Al DiOrio, Dan Cotta, Scott Moorehead, and Jim Tavares voted in favor of the motion. The motion passes.

Dave Burnham made a motion to recommend that the draft warning letter dated December 1, 2006 be issued to Steve Henry with revisions noted. Violation cited include SD 2.01 (a). Al DiOrio seconded the motion. Dave Burnham, Al DiOrio, Dan Cotta, Scott Moorehead, and Jim Tavares voted in favor of the motion. The motion passes.

Scott Moorehead made a motion to recommend that a warning letter be issued to Carl Adamo. Violations cited include SD 2.01 (a), SD 2.01 (c), SD 27(c), and SD 27.00 (g). Dave Burnham seconded the motion. Scott Moorehead, Dave Burnham, Al DiOrio, Dan Cotta, and Jim Tavares voted in favor of the motion. The motion passes.

Dave Burnham made a motion to seal the minutes of the Executive Session, adjourn the Executive Session, and reconvene the Open Session. Dan Cotta seconded the motion. Dave Burnham, Dan Cotta, Al DiOrio, Jim Tavares, and Scott Moorehead voted in favor of the

motion. The motion passes.

Policy development to clarify ISDS Maintenance versus Repair:

Chateauneuf reiterated that staff will be developing and distributing policy guidelines to clarify what actions involving ISDSs constitute regular maintenance activities versus repair thereby requiring DEM pre-approval. Further discussion and clarification is needed especially when dealing with bottomless sand filters. One approach would be to consider work to be regular maintenance if pipes are not removed and stone not moved. Work would be considered repair when it requires a machine on site. In this case, the designer/installer should contact the department before proceeding to discuss the problem and obtain technical assistance. The department would make the determination that the work is either regular maintenance or repair, and whether a repair application would be required before proceeding. If designers call the department, we can decide the specifics together on a case by case basis. We would need to keep the procedure flexible because of variables in each case.

Moorehead: the department may want to specify that maintenance involves cleaning and repairing of pipes, and anything beyond that, a call to the department is needed rather than try to specify what is and what is not maintenance. Backhoes may still be needed for maintenance work.

Moore: the department needs to make the operation and maintenance process as easy and inexpensive as possible if it is going to encourage O and M. We need to make the procedure as user-friendly and inexpensive as possible in order to encourage maintenance. At the same time, the department needs to make sure regulations are being followed to prevent impacts to the environment and also to have a legal permit in place in case action is necessary.

One other approach would be if a system is functioning, it is O and M; but if not functioning, you would know you need a repair.

Burnham: Classes give us guidance but sometimes it is difficult to apply guidance when working in the field. For instance, when doing maintenance on leach fields. When you need to remove some of the soil, it is unclear how much removal is too much and it becomes repair work. It is more straightforward when you are dealing with a component of a system versus a leachfield. Because of the variables involved in working in the field and with leach fields, I prefer that the procedure be kept open so I can call the department to figure out a problem with their assistance.

Chateauneuf will consider these comments and report back to the panel on draft guidance.

Executive Session Votes restated in Open Minutes:

Chateauneuf clarified that the open minutes of the panel meetings

restate the votes that were taken in executive session. Therefore the final vote that is recorded in the open minutes contains some detail; however the discussion that led to the vote remains sealed. He noted that David Chopy of DEM/OCI receives copies of executive minutes as a standing member of this panel; however the executive minutes are sealed and remain confidential. The Executive Session minutes are not discoverable through him. If they were requested as part of discovery in a legal action, the matter would be handled by DEM's legal counsel and the panel would be involved.

Next Meeting:

The next meeting of the panel is tentatively scheduled for Friday, January 26, 2007 from 9:30 AM to 12:00 PM in Conference Room 280C in the DEM Office of Water Resources.

Dave Burnham made a motion to adjourn. Al DiOrio seconded the motion. Dave Burnham, Al DiOrio, Scott Moorehead, Jim Tavares, and Dan Cotta voted in favor of the motion. The motion passes.

The meeting adjourned at 11:36 A.M.